

## **Minutes**

### **Asheville City Council Public Safety Committee Meeting June 24, 2013 3:30 p.m.-5:00 p.m. Training Room, Municipal Building**

Council Members: Cecil Bothwell, Jan Davis

Guests: John Miko, Catharine Hunter

Staff: Jeff Richardson, Deputy City Manager; Chief William Anderson, APD; Chief Scott Burnette, AFD; Shannon Tuch, Development Services Director; Ken Putnam, Transportation Director; Captain Tim Splain, APD; Division Chief Mike Knisley, AFD; Dawa Hitch, Public Information Officer; Kelly Whitlock, Assistant City Attorney; Pat Liguori, Treasury Services Manager; Alex Carmichael, Executive Assistant- City Manager's Office

Councilmember Bothwell called the meeting to order at 3:33 PM.

1. **Approval of the March and April Minutes:** Councilman Davis motioned to approve the March and April minutes. Councilman Bothwell seconded. The motion passed with all in favor.
2. **Staff Updates:**
  - a. **Bee Keeping Standards** – Captain Tim Splain  
A citizen requested revisions to the 100ft rule in the City's Bee Keeping Ordinance. Captain Splain explained that most NC cities do not regulate bees beyond standard animal nuisance ordinances. Across the United States, bee keeping ordinances require anywhere from 10ft to 600ft flyway barriers. Councilman Bothwell asked if other city ordinances provided for variance with the neighbor's consent. Captain Splain answered that most did not because the standard would be difficult to manage. Councilman Bothwell noted that the 100ft requirement is preventative for many Asheville residences with small lots. Councilman Davis expressed concern for reducing the proximity standard, noting that neighbors with severe allergies may lose effective usage of their own yards when bees are kept close to their property. Councilman Bothwell addressed a question to John Miko from the audience about the models for proximity standards. Mr. Miko suggested looking into the bee keeping ordinance of Madison, WI as an example. He also noted that every year more people die from lightning strikes in the US than from bee stings, and that less than 1/2 of one percent of Americans have serious allergies to bees. Mr. Miko suggested examining flyway barriers in city ordinances like Madison's for reducing the proximity standards. Councilman Davis suggested

that one individual's request may not merit changing the proximity standard at this time. Councilman Bothwell requested Bee City USA to collect a list of supporters of the change.

**3. Unfinished Business:**

a. **Civil Liberties Resolution-** Jeff Richardson, Deputy City Manager  
Jeff Richardson presented a draft Civil Liberties resolution, which includes five sections addressing citizen issues. Councilman Bothwell noted that he spoke with Councilman Smith, who was content with the current version, but was unable to attend today's Committee meeting. Councilman Davis asked Chief Anderson if the Resolution inhibits officers from deferring investigations to higher levels of scrutiny. Chief Anderson responded that it does not take away discretion when there is probable cause for officers to believe that the person in question is not who they say they are. Councilman Davis then asked if the resolution would make Asheville a "sanctuary city?" Councilman Bothwell responded that the Resolution is an attempt to open lines of communication between the police and communities that traditionally distrust police. Councilman Davis moved to present the Resolution to the full Council, but asked staff to prepare to explain the "sanctuary" impact. Councilman Bothwell seconded the motion and it passed with all in favor. Councilman Bothwell asked staff to address training for all City employees when the Resolution goes to Council.

b. **Public Safety Legislative Update-** Alex Carmichael, Executive Assistant  
Alex Carmichael presented a brief update on the status of legislation that pertains to public safety in the City of Asheville.

- SB 677 is moving through the Senate and would prevent cities from withholding labor union dues from an employee's compensation.
- HB 813/SB 724 was signed by the Governor and bans certain imitation controlled substances.
- HB 937 is in conference and expands the locations where concealed carrying of firearms is permitted.
- HB 714 was signed by the Governor and forbids local law enforcement from destroying fully operating firearms.

**4. New Business:**

a. **Horse Drawn Carriage Ordinance Review-** Shannon Tuch, Development Services Director  
Shannon Tuch presented the status of the review of the Vehicle for Hire Ordinance that governs horse drawn carriages. There is no formal documentation of the experiences of businesses that received permits since the adoption of the Ordinance in 1993. When Ms. Catharine Hunter applied for a permit, a one year special events permit was issued to allow staff time to research and review the Ordinance. Staff developed an animal care checklist for the businesses, enlisted the help of Animal Control for inspections when the DSD office was closed, and developed an inspections checklist. The

process was an overall success for Ms. Hunter and a second business applied for a permit. Ms. Hunter requested permission to serve champaign which was being reviewed.

Ms. Hunter addressed the Committee. She reported that the City worked very hard to permit her business. DSD, Transportation, Parks, and the Police have all been extremely helpful. She noted that Sate Statute 20-1387 subsection 2-1 would allow patrons to provide their own champaign. Ms. Hunter also suggested limiting the number of carriages licensed on the street. Transportation Director, Ken Putnam noted that Council opted not to limit the number of pedi-cycles, but did limit the number of pub-cycles. He suggested treating carriages the same for consistency. Ms. Tuch noted that the current ordinance required the Chief of Police to review routes.

Councilman Davis asked staff if the City had the ability on a local level to permit champaign. Ms. Tuch responded that it would. Councilman Davis then asked Ms. Hunter if the animal care requirements seemed reasonable to her. Ms. Hunter responded that the rectal thermometer requirement may pose a safety problem, and that she would suggest that carriages be required to carry water. She also asked if the City could explore a system for expanding routes to include hotels and restaurants. Mr. Putnam suggested that would make limiting the number of carriages more palatable. Ms. Tuch noted that she reached out to veterinarians for recommendations. The ordinance requires water every two hours.

**b. Proposed Changes to Taxi Cab Ordinance – Shannon Tuch, Development Services Director**

The taxi cab ordinance review went through the Finance Department and is now in DSD. Analysis showed that many cities permit taxis through police departments. The City of Asheville is more lenient than most in the state. DSD received a number of complaints from the industry about other drivers, bosses, etc. Patrons complained about drivers showing up unfit to drive. Ms. Tuch was seeking support to pull together an interdepartmental team with representatives from APD, Legal, DSD, and Finance. Councilman Davis said that he would like to have representation from taxi cab drivers on the review team. He said it was important for the drivers to have a voice at the table. Treasury Services Manager, Pat Liguori noted that it would be difficult to pick one or two drivers that objectively represented the industry. Councilman Davis said that he would have difficulty regulating a service without formal representation. Public Information Officer, Dawa Hitch said that her Division would be happy to be on that team and that they have relationships that the team could work through.

**c. Revisions to Traffic Calming Policy – Ken Putnam, Transportation Department Director**

Ken Putnam reported on revisions to the traffic calming policy. He asked for an endorsement of the revisions and committed to reporting back to the PSC

in 90 days. Mr. Putnam reported that there were 15 streets with calming requests.

The revisions that Mr. Putnam recommended were:

- i. Focus only on speed humps and cushions. He noted that cushions worked well for fire trucks, but ambulances had to slow down.
- ii. Change the minimum language from “or” to “and” requiring both speed and volume standards to be met.
- iii. Do away with the 40% petition requirement. Currently, 40% of a community has to sign a petition before design can begin. Mr. Putnam recommended a six month educational process instead with material that the City would choose.
- iv. Allow projects to have hybrid public/private funding. (Currently, projects must have all public, or all private funding.)
- v. Disallow the installation of traffic calming devices on city-maintained streets that are in areas that the Fire Department standard of cover performance is less than 90%.
- vi. Allocate a maximum of 2% of the annual construction funds on neighborhood awareness campaigns and education processes.

Councilman Bothwell asked if there was any sense about the changes in the Five Points neighborhood. Mr. Putnam reported that the Department is still working with them. That neighborhood would be a good indicator of the proposals put forward here. Councilman Bothwell asked if the speed humps on South French Broad make ambulances slow down. Mr. Putnam responded that they do; the idea is to be able to maintain speed of 25 miles per hour.

- d. **Through Truck Prohibitions** – Ken Putnam, Transportation Department  
Ken Putnam presented new through truck prohibitions for: East Chestnut Street, from SR 1781 (Broadway) to a point 325 feet west of US 25 (Merrimon Avenue); Chatham Road, from Edgewood Road to US 25 (Merrimon Avenue); Rumbough Place, from US 19-23 (Patton Avenue) to Salola Street; Salola Street, from Rumbough Place to SR 3412 (Sand Hill Road); Mount Clare Avenue, from SR 1781 (Broadway) to Coleman Avenue; and Coleman Avenue, from Mount Clare Avenue to a point 200 feet west of US 25 (Merrimon Avenue).

Councilman Davis asked if there was an opportunity to prohibit the use of compression breaks in the City. Mr. Putnam replied that his department has found a local ordinance that Asheville could replicate. Mr. Putnam said that he would work with Chief Anderson on it.

**e. Viper Radio Grant Opportunity** – Scott Burnette, Fire Chief  
Chief Burnette presented a pass through grant opportunity from the Department of Homeland Security. Last fall Hurricane Sandy took down a statewide Viper radio tower near the North Fork Reservoir. This opportunity would fill a void in Asheville and Highway Patrol would permit AFD to add equipment to the tower at no charge.

Councilman Bothwell mentioned that he had the opportunity to participate in a webinar that outlined changes in construction that affects flashover in homes. He reported that he has a new appreciation for what AFD is up against.

The meeting adjourned at 4:46 PM.